

Montesquieu: Critique of Republicanism?¹

The opposition between liberalism and civic humanism has been the object of fruitful scholarly debate, notably since the work of H. Baron, J. G. A. Pocock and Q. Skinner¹. The ambition of *The Machiavellian Moment* is clear: by putting to work these two distinct hermeneutical paradigms it seeks to transcend the hegemony of liberal historiography. The shortcomings of the liberal vocabulary of individualism which theorizes the possessive individual in its relation with other possessive individuals and which considers the question of justice under the guise of the protection of rights must be mitigated by the use of the language of civic humanism. Civic humanism or broadly conceived republicanism does not see the curtailing of power, the warrant of individual safety and of the right to rebel as its founding problems; but is concerned essentially with the corruption of virtue. In the writings of those authors belonging to what J. G. A. Pocock labelled the tradition of 'civic humanism', the corruption which threatens liberty appears when the citizen's autonomy which is guaranteed by the ownership of arms and land is no longer secure. In these critical 'Machiavellian moments' of history civic virtue is not confident in its success against the forces that endanger its survival; be it *fortuna* in the Renaissance or finance, credit and commerce in the 18th century.

The Neo-Harringtonian continuation of the tradition of civic humanism in England, a tradition limited up to that point to the small Italian republics of the 13th and 14th century, focuses the republican fears around the new economic expansion and its instruments. Following the financial revolution, the introduction of innovative means of power, the reign of passion and imagination disintegrate the martial spirit of independence and patriotism to which the survival of the republic is identified. The mobility of ownership which dominates the new mercantile societies is detrimental to the expression of virtue and renders the ideal of the citizen/soldier defunct. In this line of thought the tradition of English republicanism is no longer associated to the restoration of the ancient republican model where the people as a body politic exercised power. Power is now subordinated to a new vision of constitutional monarchy which might invigorate civic virtue once more, a virtue without which the unceasing struggle between competing factions and interests is set to carry the state adrift towards corruption and decadence.

Beyond this purely British debate the correct location of Montesquieu in this confrontation between republicanism and liberalism has been the object of diverse judgements. All seem to seek the seal of approval of the great man and to inscribe his work at the centre of the tradition which they are advocating. Thereupon according to J. G. A. Pocock, Montesquieu is the thinker who set to work in the 18th Century the classical science of virtue. J. Shklar, basing himself on the American experience, argues that Montesquieu has done for the second part of the 18th Century what Machiavelli had done for the Renaissance; namely, to set the standard language for the discussion of republicanism. As to I. Berlin, the *Spirit of the laws* establishes the liberal creed, and this position has been followed since T. Pangle's work by numerous other scholars.

¹ In *Republicanism: History, Theory and Practice, Critical Review of International Social and Political Philosophy*, vol. 6, n° 1, Printemps 2003, p. 38-53 (légèrement amendé).

However, the opposition between Montesquieu the liberal and Montesquieu the republican seems a little extreme. Should we then rest with Pocock's view that Montesquieu's project to find the material condition for virtue in merchant societies is essentially paradoxical? According to Q. Skinner, the central question concerning the relationship of the interest of the nation and those of the individual citizens has been addressed in two major ways in modern political theory: the first manner focused on the efficiency of institution and of the 'invisible hand' and the other based itself on the high principles and public spirit of the rulers – Hume is seen as the main representative of the first way and Machiavelli and Montesquieu incarnate the second one. As we will see, this antagonism can be transcended if we pay close attention to the political theory developed in the *Spirit of the laws*.

1- The description of the Republic in the *Spirit of the laws* and the republican tradition.

The description of the republican *vivere civile* in the first books of the *Spirit of the laws* testifies to the important ties that exist between Montesquieu and the tradition of 'civic humanism' as understood by Pocock and Skinner. The theory of the republic presented in his description of the different types of governments relies on several arguments used in favour of civic life since the Florentine pre-Renaissance. At the level of institutions, the analysis of the 'nature' of democracy shows the prevalence of the Aristotelian and Ciceronian heritage: the greatest legislators have gained their reputation by limiting the anarchist tendencies inherent in democracy by giving to the people the deliberative and judiciary powers and by restricting governance to an elite. Moreover, at the level of customs Montesquieu borrows from Machiavelli and his predecessors the idea that the nature and the principle of government are joined together by a dialectic linking good laws and good customs. Thus, the survival of the republican institutions can only be achieved through patriotic sentiments. This justifies the prevalence of the principle or dominant passion which sustains the 'nature' of the government: « *lorsque les principes du gouvernement sont une fois corrompus, les meilleures lois deviennent mauvaises, et se tournent contre l'Etat ; lorsque les principes en sont sains, les mauvaises ont l'effet de bonnes ; la force du principe entraîne tout* » (EL: VIII, 11)². To this first movement which proceeds from the customs to the laws one must add a second one that progresses in reverse: at least in the case of democracies – aristocracies are a more complicated case – the laws must also promote virtuous customs. The fifth book of the *Spirit of the laws* stresses the juridical and material conditions: the love of equality and of frugality is rooted in the effective existence of these two realities which are in turned based on agrarian and inheritance laws. The legal conditions remain insufficient if they are not assisted by institutions that must educate and police the customs. Censorship, in this case is central, the censors have a crucial role to play since they are endowed with the protection of the '*dépôt des mœurs*'. Montesquieu describes their task as such: « *[ils] rétablissent dans la république tout ce qui a été corrompu, qu'ils notent la tiédeur, qu'ils jugent les négligences et corrigent les fautes, comme les lois punissent les crimes* » (EL: IV, 4-8). This unceasing supervision is supposed to lead to an internalization of the right norms by the citizens who are not expected to merely comply with the external aspects of the law. The example of the Aeropagyte – where a child is put to death for having blinded his bird – is appealed to by Montesquieu: « *qu'on fasse attention qu'il ne s'agit pas là d'une condamnation pour crime mais d'un jugement de mœurs dans une république fondée sur les mœurs* » (EL: V, 19). Whereas in a democracy vices must be punished, in monarchy private crimes and misdemeanors can flourish in the shadow of the law without threatening the

state. The description of virtue offered by Montesquieu is similar to the one provided by the Ciceronian humanists; it is a kind of virtue that requires the abnegation of oneself and of one's interests. Such a feat can only be achieved through the ceaseless moral policing that we have alluded to earlier: « *ce ne sont pas seulement les crimes qui détruisent la vertu, mais encore les négligences, les fautes, une certaine tiédeur dans l'amour de la patrie, des exemples dangereux, des semences de corruption ; ce qui ne choque point les lois, mais les élude, ce qui ne les détruit pas, mais les affaiblit* » (EL: V, 19). The survival of democracy in the face of the nefarious threats of historical forces presupposes a continuous and public exercise of moral judgment which makes the citizens conform to a set of common rules thus maintaining public morality upon which the salvation of the republic is based. The importance attributed to customs appears in the role ascribed to them, as a complement or even as a replacement to laws, in the make up of the body politic. When the agrarian laws are unable to establish a certain equality of wealth, customs supplant the legal failure. The instauration of a pyramidal chain of subordination anchors political discipline in a moral bedrock. The subordination of the young to the old, of children to parents, of wives to husbands sustains the authority of the senate. In a democracy this conservation of hierarchical obedience is paramount to the survival of the state: “*il y a beaucoup à gagner, en fait de mœurs, à garder les coutumes anciennes*” (EL: V, 7). The corruption of the republic occurs precisely in the moment where public values lose their legitimacy in the face of the criteria's of a new emerging individualist moral order.

This is the first conclusion to which the analysis of books II to X of the *Spirit of the Laws* leads. The major borrowings by Montesquieu to Aristotle's *Politics* which he reads in the light of Machiavelli's *Discourse* shows the extent of the use he makes of what has been called the republican tradition. For Montesquieu, republics are the kind of regimes in which *isonomia* is based on *eunomia*; namely, where the equal participation to political power is founded on good customary order. What matters is not so much the participation of the entire people in the government – Montesquieu is convinced that the body politic is incapable of such an undertaking, and must therefore elect magistrates – but the inclusion of all in a *vivere civile* characterized by a homogeneous aspirations and communal customs. The preeminent role given to conservation of civic practices is reiterated in the special attention placed on the maintenance of frugality which must be maintained by sumptuary laws. Mobility, due to the increase of wealth and private pleasure, which it encourages, must be banned: the expansion of luxury and the escalation of private passions (such as ambition and greed) can only bring about corruption and dissolution of the social link. Although, in the *Considerations* Montesquieu affirms that the heroic virtues and martial discipline of the Romans survived well into the imperial age of luxury and corruption, he does not, however, deny the classical analysis which sees cowardice as being a direct result of luxury; similarly he does not question the superiority attributed by Roman poverty over Carthage's opulence. More important than the decline of the military virtues it is the decline of the *vivere civile* associated to the attachment to lavishness which betrays the particularization of interests and the dissociation of the citizens peculiar aspirations from the glory of their country: “A mesure que le luxe s'établit dans une république, l'esprit se tourne vers l'intérêt particulier. A des gens à qui il ne faut que le nécessaire, il ne reste à désirer que la gloire de la patrie et la sienne propre. Mais une âme corrompue par le luxe a bien d'autres désirs. Bientôt elle devient ennemie des lois qui la gênent. Sitôt que les Romains furent corrompus, leurs désirs devinrent immenses (...). Quand, par une impétuosité générale, tout le monde se portait à la volupté, que devenait la vertu ? » (EL: VII, 2).

To this traditional critique of the weakening of martial virtues one must add, particularly in the *Persian Letters*, a morale and social critique of conspicuous consumption: by

blurring the lines of distinction in the 'natural' hierarchy, luxury enables each and every person to seek public acknowledgment based on wealth rather than birth or action. Deploring the corruption induced by John Law's system, the Persian nobles will insist on the pernicious effects of the 'confusion of ranks' brought about by luxury (*Lettres Persanes*: XCVIII, CXXXVIII, CXLVI).

Montesquieu's views are here closer to those of Bolingbroke and his followers than to the humanist tradition as such. Associated to the rise of commerce and finance, luxury appears to be the reverse of virtue, a constant threat to its integrity; it seems to fulfill the role usually attributed to fortune: a factor of social mobility and inconstancy that arouses passions and imagination. In the face of the apology of merchants, seen as the heroes of modern times, and in reaction to the rehabilitation of private interest conducted by a part of the court gathered around Walpole, Defoe and the *London Journal*; the Country Party, very much like Fenelon and the Ducs' party in France, defends the hierarchy and social order threatened by the new elite of merit and money.

History is used in this polemical debate as a rhetorical tool; references to ancient Roman history in particular are meant to show the imminent decadence of England caused by the disturbance to the balance of power between the King, the House of Lords and the House of Commons. Luxury is seen, by the Tory historians of 1730, as the source of the phenomenon which robbed the landed interest of their power and privileges in favor of the moneyed interests, whose supremacy is threatening the very foundation of patriotism and love of country. As a remedy, Bolingbroke argues for a return to the principals of the Constitution: moral reform must accompany the return to power of the natural elites whose autonomy can only be warranted by landed ownership. The condition of a politics which transcends factionalism resides in the restoration of the ancient values that were abolished by luxury and the other nefarious tools of the financial revolution. By paying close attention to the adverse consequences of particular interests caused by luxury isn't Montesquieu in the *Spirit of the Laws* pleading for a return to the principles of virtue: "Quand une république est corrompue, on ne peut remédier à aucun des maux qui naissent, qu'en ôtant la corruption et en rappelant les principes" [(EL: VIII, 12)] ?

2- A paradigm shift.

However, the apparent theoretical proximity between Montesquieu and the British Neo-Harringtonians ought not to be taken too far and hide the deep divergences that differentiate their respective positions. Notably, when it comes to the interpretation of history: on the one hand, Montesquieu seems to oppose virtue and commerce, and to side against the possibility of a return to authentic principles which could reignite the now corrupt virtues. Montesquieu's analysis of political virtue recognizes the incompatibility between the governing of a people as a body politic which presupposes the subordination of the private interest to the common benefit and the conditions that enable the existence of a modern society. The development of commerce in the great European states defined by a society ridden with vice and inequality seems to condemn the eventual republic to corruption: « *Les politiques grecs, qui vivaient dans le gouvernement populaire, ne reconnaissaient d'autre force qui put les soutenir que celle de la vertu. Ceux d'aujourd'hui ne nous parlent que de manufactures, de commerce, de finances, de richesses et de luxe même* » (EL: III, 3). Due to its inherent corruption of morality, the development of commerce seems to be incompatible with the conservation of virtue.

Finally, the break from the republican tradition is exemplified by the rejection of its conception of freedom rooted in the necessary participation of the citizens to power. Founding himself on Locke's views, Montesquieu defines liberty as freedom regulated by law. The theory presented in Book XI of the *Spirit of the laws* enables the emancipation from the republican *topos*: the people's freedom is not 'power in the people's hands' but security under the law. A citizen can be seen as free when he enjoys a certain peace of mind which springs from the opinion he has of his own safety, when he lives without the fear of oppression from others or from the state. In this sense the Republicans confuse political freedom and philosophical liberty: political freedom does not consist in our ability to do whatever we wish, but to be able to do whatever we ought to and not to be forced to carry out what we shouldn't want to do (EL: XI, 3). Indeed, a free population is not one which is submitted to this or that type of rule but one which enjoys the rule of law: « *la démocratie et l'aristocratie ne sont point des États libres par leur nature* » (EL: XI, 4). In the face of the permanent risk of power abuse, freedom depends on the distribution of power within the state which protects the constitution and on safeguarding the citizen from arbitrary abuse which entails the protection of his rights. Should we conclude that far from adopting the republican vocabulary *The Spirit of the Laws* puts it to use in order to subvert its substance and to demonstrate the absurdity of a moral republic given the nature of modern commercial societies?

a/ *Private Vice, Public Virtue*

The critique of the vocabulary of civic humanism can be seen in the usage made of ancient roman history in the *Considérations sur les causes de la grandeur des Romains et de leur décadence*. As well as in the *Réflexions sur la monarchie universelle* where Montesquieu demonstrates the absurdity of the imitation of the Roman Imperial model on the basis of the evolution of the art of warfare. From a military standpoint, the incidence of wealth and luxury has changed the situation: the variations in strategy and equipment have turned poverty's advantage – martial ascetism – into a detriment. Luxury is no longer the cause of the decline of empire; it is on the contrary the source of its greatness; especially in a time where power is measured in terms of commercial wealth and not according to the amount of territorial possessions.

The road explored by Montesquieu in the '*querelle du luxe*' enables us to distinguish him from the supporters of ancient virtue and the followers of the humanist tradition. In the great states where land ownership is uneven the dissolution of the art of luxury would lead to an economic and demographic downturn. Indeed, the suppression of superfluous spending would induce a shortage of revenue for the lower classes and would constitute an impediment to growth. Following Mandeville and Melon, Montesquieu admits that, in a monarchy, the principal which converts private vices into public virtues and moral vices into political virtues is at work. The corruption of mores must be overlooked if vanity and cupidity are in the service of national interest (EL: XIX, 5-9). Where the arts of pleasure and the empire of taste are at the root of wealth the legislator must let the nation do what it pleases for the sake of the state's economic power. The conservation of different types of government is regulated by autonomous and sometimes contradictory principles: « *Les républiques finissent par le luxe ; les monarchies, par la pauvreté* » (EL: VII, 4). Thus, the modern path is clear: Athens is to be preferred over Sparta. If virtue is the price that must be paid to achieve economic success, a price readily accepted in the *Spirit of the laws*, then the function of the law is not to regulate morality.

This position excludes the admirers of ancient simplicity and their obsessive concern for moral decay. Far from being incompatible with political freedom, luxury is in fact in accordance with it. The threat to liberty comes now from the desire for moral discipline: from those who want to abuse the power of law to violently reform the habits and mores of a given society by imposing a “*tyrannie d’opinion*”. The reverence and awe for the ancient model is upheld at this very expense. The peril that confronts most European states is not the transition from republic to monarchy but the change from monarchy to tyranny due to the abolition of the intermediary classes and to the subservient nature of the courtiers. Luxury is not a threat for traditional or constitutional monarchy; and it certainly is not a threat to the viability of the state: the dynamic inherent to the desire to distinguish oneself sustains the obedience to the prince while maintaining the condition of public freedom. Moreover, the very definition of honor fits into the Mandevillian scheme whereby an intention based on pure self-interested results in an outcome which is beneficent for the whole society; Adam Smith will later depict this phenomenon using the image of the ‘invisible hand’. Because individual ambitions can unwillingly and unknowingly have positive outcomes for all, politics in the setting of a monarchy can do without virtue: « *L’Etat subsiste indépendamment de l’amour de la patrie, du désir de la vraie gloire, du renoncement à soi-même, du sacrifice de ses plus chers intérêts, et de toutes ces vertus héroïques que nous trouvons dans les anciens, et dont nous avons seulement entendu parler* » (EL: III, 5). Thus, for Montesquieu the republican warnings concerning the immixing of virtue and commerce are valid in the context of ancient history, and only for military republics; these warnings lose all their relevance in the case of modern monarchies. The threat of commerce and its wicked influence on political liberty becomes obsolete. Furthermore, the modern forms of power offer no basis for fearing the pervert influence of luxury on individual courage and manliness. Finally, the analysis of the conditions of liberty, dissociated from political virtue and active participation to power, undermines the republican will to go back to the original principals by prohibiting luxury.

b/ The question of public credit

The issue of public credit enables us to further distinguish Montesquieu from the tradition of civic humanism. The early recourse to public debt to finance the upkeep of permanent armies and the management of recurring wars gave birth to a heated debated concerning the use of public funds in England. The institution of the credit system and the birth of the financial revolution are polemical issues. Walpole’s opponents claim that the loss of a stable and solid *vivere civile* is coextensive of the invention of new financial instruments and the development of commerce. Bolingbroke even writes an essay on the tragic consequences of the public debt: for him, the abolition of the debt is seen as the preliminary condition for the regeneration of the country under the guidance of a Patriot King. The increase of public debt renders the government dependent on a class of professional debtors. The criticism leveled by the Country Party goes beyond the traditional notion that sees money as an inherent corruptor of the ruling class: it is directed at the epistemological foundations of a modern society organized around financial exchanges and investments, a society where artifice and deceit have pride of place.

In Machiavelli’s terminology the personification of credit under female traits echoes the instability of *fortuna*. Against the attacks of the Country Party, the objective of the supporters of the new financial tools is to show the possible conversion of irrationality into rationality, of credit into confidence, of imaginary goods into real goods as long as the government’s practices and the political situation enables it.

In this context, the *Persian Letters* seem to carry forward the criticism of bank credit along the same lines as the Country Party. The fear of corruption motivates the main characters in this satire of the regency years. Rica condemns the foreigners that destabilize the state by enabling the constitution of massive fortunes: « Dieu ne tire pas plus rapidement les hommes du néant. Que de valets servis par leurs camarades et peut être demain par leurs maîtres ! » (*Lettres Persanes*, CXXXVIII). This myth exhibits the anxiety that the society harbours in the face of the sole reign of profit with its plethora of moral, political and social subversions. The corruption of a people, very much like the demise of a corrupt minister, seems to derive from an exorbitant propensity for speculation. The threat posed by the new financial system is, at deeper level, a fear from the extremes to which human nature deluded by an illusory project and guided by passion and imagination will go. The fragment of an ancient mythologist recounted by Rica depicts the tragic process by which three fourths of national wealth disappears, this is all done on a humorous note: « Croyez-moi : quittez le pays des vils métaux : venez dans l'empire de l'imagination ; et je vous promets des richesses qui vous étonneront vous-mêmes » (*Lettres Persanes*, CXLII). Similarly in Adison's *Spectator*, John Law is represented as one of the sons of Eolius, merchant of hot air; he entreats the Betic people to give up their old belief in precious metals and to follow him in the land of imagination and wealth. The language employed in these political parables echoes the Augustan polemic engaged in England.

But the position of Montesquieu in the *Spirit of the laws* is a lot more ambiguous. On the one hand, he seems opposed to the principal of public credit, going as far as to reject the objection voiced by Hume concerning the economic advantages of a public debt (*EL*: XXII, 17-18; *Oeuvres complètes* t. III, p. 1221). On the other hand, Montesquieu seems to abandon a direct critique of the public debt and settles instead for a mitigated defence of its use and benefits within the context of contemporary England. The inference of British mores from its constitution enables the conversion of credit into confidence based on a given political situation. This phenomenon defines the singularity of a 'free nation':

“Elle aurait un crédit sûr, parce qu'elle emprunterait à elle-même, et se paierait elle-même. Il pourrait arriver qu'elle entreprendrait au-dessus de ses forces naturelles, et ferait valoir contre ses ennemis d'immenses richesses de fiction, que la confiance et la nature de son gouvernement rendraient réelles. Pour conserver sa liberté, elle emprunterait de ses sujets ; et ses sujets, qui verraient que son crédit serait perdu si elle était conquise, auraient un nouveau motif de faire un effort pour défendre sa liberté.” (*EL*: XIX, 27)

The Country issue is henceforth reversed. The transmutation of imaginary and irrational goods into rational and tangible benefits is accomplished by way of the government's nature: it is the love of freedom which is at the root of the transformation of chimeras into economic entities with strong political clout. Thereupon, public credit gains strength through the judgment of the subjects. They seek to preserve the credit of their nation and insure its ability to be trusted and to exercise a powerful role in the concert of nations. The double determination of credit is once again based on a theory of judgement. However, this judgement is not based on valid and real data warranted by the government's virtue. It is on the contrary based on illusory data – the nation venturing beyond its natural reach, following its desires and passions instead of its interest – this data is supported, because of certain political qualities, by a virtuous circle based on confidence. How does truth come out of deceit, how does illusion become reality, in a word what is the face of this new cunning of reason? Montesquieu bases this magical power in the free passions and in the financial system. As opposed to Hume's opinion, the expansion of credit cannot have

the same consequences in France and in England; since the passions are operating in two distinctly different systems. The transformation of credit into confidence cannot take place similarly in a monarchy regulated by honour and intermediary classes and in a republic hiding behind a royal mask. The whims of honor are the French equivalent of the English fantasies of credit; they are just another cunning of reason, just another conversion of inconstancy and passion into a vigorous economic tool and political power.

In this context, far from being opposed to liberty commerce seems to be one of its catalysts. Montesquieu shows to what extent commerce – under its possible guises: cultural or material exchanges – bring about great benefits: the boorish nature of the soldier/citizen is tamed by the multiple communicative exchanges implied by commercial activities. Political and military violence is restrained by the development of self-interested rationality. Thanks to the tools of *nomadic commerce*, the internationalization of exchanges becomes an impediment to the abuse of power and contributes in this way to the security of goods and persons. The mobility of property, criticized by the republicans, becomes the main obstacle to the extension of despotism. This is the meaning of the praise of “doux commerce” in the *Spirit of the Laws*: commerce eases and civilizes the mores, contributes to peace and to political freedom (Montesquieu, 1950: XX, 1-2; XXI, 20). In this light, liberty is no longer defined as non-interference (of any power within spheres that do not concern it) but as non-domination (from any type of arbitrary threat); in a word it is the liberty of the moderns.

c/ The British Constitution and the Partisan System.

In the context of this praise of commerce and finance, one must clarify the exemplarity of the British model. England is qualified by Montesquieu as: « *république qui se cache sous la forme de la monarchie* » (EL: V, 19). In the absence a specific principle and in particular in the absence of honour and virtue, personal interest seems to be the only ruling passion. The question one must ask then is that what are the abilities of a nation, where the intermediary powers and the principle of honour have disappeared, to remain free? From this point of view the analysis of the British constitution seem to own much to the Neo-Harringtonian movement. Indeed, Bolingbroke has already suggested that the king, the lords and the House of Commons fulfil separate political duties and that this separation of powers creates checks and balances. Bolingbroke voices this opinion in the *Craftsman*: “In a constitution like ours, the safety of the whole depends on the balance of the parts and the balance of the parts on their mutual independency on one another” (Bolingbroke, 1735: 211). This excerpt resulted in a polemical debate with a journalist from the *London Journal*.

In the *Spicilège*, Montesquieu includes quotations from the *Craftsman*: « Le gouvernement est bon, lorsque les lois sont telles qu’elles produisent naturellement la vertu et peuvent faire que même des hommes mauvais deviennent de bons ministres ». But the influence of Bolingbroke on Montesquieu ought not to be overestimated. While the author of the *Spirit of the Laws* accepts certain parts of Bolingbroke’s theory he distances himself from other important dimensions of it. Notably, the criticism of Walpole’s government on the basis of its corruption and lack of patriotic virtue. For Montesquieu, the British political life functions properly thanks to the constitutional oppositions, relayed by partisan opposition; indeed, within a representative system the upheaval of passions and factions does not constitute a threat to freedom. Virtue and good morals are no longer necessary. The fear from corruption that was still present in his other writings such as *Notes sur l’Angleterre* is less pronounced in the *Spirit of the Laws*. For Montesquieu, corruption does not represent a real danger for the stability of the regime. When his English correspondent,

Domville, questioned him about the length of time served by the average British government and the ill fated influence of corruption, Montesquieu answer by merely reminding him of the spirit of freedom which exists among the people. Even if the magistrate and the representative are corrupts the constitution will be preserved as long as the general public preserves its love of freedom. Montesquieu's last words on the British commercial society are: « *Vous me demandez ce que j'augure sur votre gouvernement. Je ne suis pas assez téméraire pour hasarder mon sentiment. Je crois pourtant que dans l'Europe le dernier soupir de la liberté sera poussé par un Anglais ; je crois même que vous retarderez la promptitude de la chute entière des autres nations* » (*Oeuvres complètes*, t. III, p.1245). The triumph over corruption seems to be the main benefit of free and pluralistic societies – the freedom of the press plays a crucial role in this context – a type of society where anyone can pursue its activity and its desire goals without being submitted to the arbitrary will of other or fearing the dictate of civil and religious authorities.

The criticism levelled against the Neo-Harringtonian theses by Montesquieu is established. However, this fact does not enable us to conclude that Montesquieu subscribes completely to a pure liberal theory – one that sees the free nation as a nation where the representative system exonerates the citizens from any sort of political participation. The liberal opposition between positive and negative liberty, political autonomy and enjoyment of rights without interference must be transcended. This point is confirmed by the *Spirit of the Laws* book XIX, chapter 27 which states that even if the direct participation in the exercise of power is not necessary to the existence of liberty, a certain level of civic involvement and public awareness is needed. The citizens, within the state, are first and foremost concerned with the elaboration of laws: « *Comme, dans un Etat libre, tout homme qui est censé avoir une âme libre doit être gouverné par lui-même, il faudrait que le peuple eût la puissance législative* » (*EL*: XI, 6). However, their role is not restricted to this single dimension; their general awareness must be heightened and focused on any possible abuse of power. Politics, far from being forgotten by individuals absorbed by their private affairs, is still the main object of concern:

“Si le climat avait donné à bien des gens un esprit inquiet et des vues étendues, dans un pays où la constitution donnerait à tout le monde une part au gouvernement et des intérêts politiques, on parlerait beaucoup de politique : on verrait des gens qui passeraient leur temps à calculer des événements qui, vu la nature des choses et le caprice de la fortune, c'est-à-dire, des hommes, ne sont guère soumis au calcul. Dans une nation libre, il est très souvent indifférent que les particuliers raisonnent bien ou mal ; il suffit qu'ils raisonnent : de là sort la liberté qui garantit les effets de ces mêmes raisonnements” (Montesquieu, 1950: XIX, 27).

Montesquieu's reasoning overlaps here with Bolingbroke's analysis concerning the necessary zeal and jealousy for freedom which enabled the British people to maintain their government's principle⁴. The philosopher has already mentioned the '100 eyes of Argus' never completely closed, which fulfil in England the role equivalent to honour in the French monarchy. Furthermore, the balance of power between the political parties is also regulated by the awareness of the public: “*Ces partis étant composés d'hommes libres, si l'un prenait trop le dessus, l'effet de la liberté ferait que celui-ci serait abaissé, tandis que les citoyens, comme les mains qui secourent le corps, viendraient relever l'autre*” (*EL*: XIX, 27). The British break from the humanist model does not entail a restriction of the individuals' participation to the public sphere. Once one goes beyond the limited definition of the common good as virtue, it becomes possible to find within the merchant societies the potential for a public spirit associated to a rational self-interest: the protection of private interest depends on the full exercise of one's citizenship. Individualism transcends itself by focusing on the advantageous defence of free

institutions; the partisan spirit contributes to an active citizenry which preserves pluralism. The involvement in public life is not an obstruction to independence or an impediment to the enjoyment of freedom; as Q. Skinner said, civic watchfulness can be essential to the protection of rights.

Conclusion.

The singular position of Montesquieu's political philosophy seems to beg the question: isn't the opposition between republicanism and liberalism a largely artificial one? Today's modern democracies seems to easily mix several features of the two traditions: a representative political system with a development of commercial exchanges, the sovereignty of the people and the interdependence of the citizens, a strong public spirit and the growth of the private realm. Is this spirit republican or liberal? One could answer this question by painting a pure version of liberalism based on Locke's theory (protection of individual natural rights). The supporters of the republican tradition would then reply in the style of J.G.A Pocock that Montesquieu's defence of commerce and the general defence of a commercial society and the ancient virtues was carried forth in the social philosophy of the Enlightenment with the intellectual tools provided by humanism – which becomes then a 'legal or merchant humanism'. The enigma of the twice reclaimed Montesquieu – by the liberal as well as the republican tradition – could then be solved: the liberal defence of the merchant order is in fact a response to the questions raised by the language of humanism; by turning the virtues into manners – commerce being a vector of civilization and not merely an economic tool – the humanist tradition concurs with the liberal camp by warranting individual freedom without being reduced to a theory of rights.

This solution was not seen as satisfactory by the most celebrated of Montesquieu's heirs: Constant and Tocqueville. Instead of perusing through the several objection presented by these liberal thinkers in opposition to the republican discourse; an altogether wiser and more fruitful approach would try to define 'liberalism' and 'republicanism' in less rigid terms. By not paying much attention to the theoretical constructs produced by these concepts and by applying excessive zeal to reduce the inner antagonisms that exist within the two tradition, one runs the risk of obscuring the debate rather than clarifying the key issues. Instead of dwelling in the realm of the perpetual epilogue, endlessly debating the possible dissociation between republicanism and value monism, between civic and moral virtue or between the involvement in favour of the community or for a unique conception of the good life, political philosophers should probably tackle other issues, notably issues touched upon by Montesquieu: concerning, not the liberty of commerce and luxury, but its justice.

¹ The expression 'civic humanism' was most certainly fashioned by H. Baron in 1928 in German as *Bürgerhumanismus*. A term which Baron developed in opposition to Burkhart's notion of 'Renaissance' in (Baron, 1966).

² While awaiting the whole publication of the Complete Works of Montesquieu in the new edition of the Voltaire Foundation and Classiques Garnier, all my references to Montesquieu will be to the *Masson* Edition (1950-55). All unspecified references are to the *Esprit des lois* (EL), 1748.

³ Francis Osborne castigates the strict separation of powers: « *There never was really any such thing, nor can any business be carried on or government subsist by several powers absolutely distinct and absolutely independant* » (*London Journal*: July 4th, 1730). « *It is a mere utopia scheme to assert, that the business of a nation can be carried on, and government maintained, BY POWERS ABSOLUTELY DISTINCT AND ABSOLUTELY INDEPENDANT* ». (*London Journal*: September 19th, 1730).

⁴ Bolingbroke state his idea clearly in this excerpt: « *I assert, that liberty cannot be long secure, in any country, unless a perpetual jealousy watches over it, and a constant determined resolution protects it in the whole body of the nation (...) The hundred eyes of Argus were not always kept open; but they were never all closed. The whole body of a nation may be as jealous of their liberties, as a private man of his honor. They may be, at all times, animated by a generous resolution of defending their liberties at any risk; as he may, at all times, feel in his heart the courage of venturing his life to maintain his honor* » (Craftsman: June 13th, 1730).